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direction substantially parallel to the cutting surface and a second component of movement extending in a direction substantially perpendicular to the cutting surface of the base. The cutting assembly includes a cutting blade having a cutting edge facing the receiving area. The cutting assembly also includes a driver for operating the cutting assembly. Operation of the driver imparts sliding motion to the cutting assembly which, in turn, moves the cutting blade along the movement axis toward and away from the receiving area for cutting an elongated object, such as a window covering, to a specified length.

REMARKS

The present communication is responsive to the Office Action mailed June 18, 1999. A petition for a three month extension of time for responding to the Office Action, to and including December 18, 1999, is transmitted herewith.

In the Office Action, the Examiner noted that the originally filed oath or declaration did not include the Applicants' post office addresses anywhere in the papers as required by 37 CFR 1.33(a). In response, Applicants enclose herewith a substitute declaration over Applicants' signatures providing a complete post office address for each Applicant.

In paragraph 4 of the Office Action, the Examiner noted that the Information Disclosure Statement filed on February 5, 1999 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. In response, Applicants submit herewith a Supplemental Information Disclosure Statement including English language abstracts for the relevant foreign language references filed in the Information Disclosure Statement mailed February 5, 1999. Applicants respectfully request that the Examiner consider the

references listed in the Supplemental Information Disclosure Statement.

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5), asserting that they do not include reference numerals 70, 102 and 114 that were mentioned in the description. The Examiner also objected to the drawings on grounds that Figs. 8A and 8B appear to be inconsistent with the cutting action shown in Figs. 6B through 7C and page 20, line 27-page 21, line 12. In response, by separate letter attached, Applicants have requested authorization from the Official Draftsman to amend Figs. 1, 2A, 2B, 4A, 4B and 7A-7C. The proposed amendments to the drawings are indicated in red ink. Specifically, Applicants have amended Figs. 1 and 2A to include reference number "114" for designating a ruler. Fig. 2B has been amended to more clearly point out the top of cutting surface 24. Applicants have also amended Figs. 4A and 4B to add reference number "70" to indicate a "first end 70" of a threaded shaft 68. In response to the Examiner's objection regarding reference numeral 102, Applicants have deleted reference number "102" from the specification. Applicants have also amended Figs. 7A-7C in order to make the cutting action shown in Figs. 7A-7C consistent with the cutting action shown in Figs. 8A-8B. Specifically, Figs. 7A-7C now show the end of the window covering 36 pivoting away from cutting blade 32 as the blade slices through the window covering. Thus, the action shown in Figs. 7A-7C is similar to that shown in Figs. 8A-8B.

In paragraph 5 of the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a), stating that "the drawings must show every feature of the invention specified in the claims." In response, Applicants have deleted the recitation "ratcheting mechanisms, screw-activated elements, pneumatic elements, and electric-motor operated devices" from claim 5. Applicants have also requested authorization from the Official Draftsman to add new drawing Fig. 5D showing a fragmentary view of Fig. 5C. Specifically,

new Fig. 5D shows the pocketed portion of the cutting blade including the first acute angle designated "A₁" and the second acute angle designated "A₂". Applicants have also amended the specification to reflect the addition of new Fig. 5D.

In view of the above-mentioned amendments to the drawings and specification, Applicants assert that the drawings now satisfy the requirements of 37 CFR 1.84(p)(5) and 37 CFR 1.83(a). Applicants will submit amended formal drawings, incorporating the above-mentioned changes, upon receiving authorization for the changes from the Official Draftsman.

The specification has been amended in response to the Examiner's objection set forth in paragraph 6 of the Office Action. Specifically, at page 13, line 29, "38" has been changed to --30--.

Claims 1-37 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. In response to the Examiner's Section 112, second paragraph, rejections, Applicants have amended the claims as follows. Claim 1 has been amended to change the recitation "a base having a top surface" to a --base having a substantially flat cutting surface--. Support for this amendment is provided in the specification at page 4, line 8-page 5, line 12; page 10, line 5-page 13, line 30; and Figs. 2A, 2B, and 4B. Applicants have also amended the specification and claims to change all occurrences of "top surface" to cutting surface. Specifically, claims 1, 4, 11-12, 14-17, and 20 have been amended to change "top surface" to --cutting surface--. Claim 2 has been amended to change the recitation "said cutting blade cuts ..." to --said cutting blade includes a cutting edge facing said receiving area--. Claim 4 has been amended to remove the recitation "are angled with respect to said top surface of said base." Claim 4 now recites that --said one or more guide tracks extend in directions substantially parallel to the movement axis--. Claim 6 has been amended to delete the recitation "the

periphery thereof" and to add the recitation --said pinion includes a plurality of teeth at a peripheral surface of said pinion--. Claims 9 and 10 have been canceled, thereby rendering the Examiner's Section 112, second paragraph, rejection moot. In response to the Examiner's rejection of claim 12, Applicants respectfully assert that the term "a backup" is clearly defined in the specification at, *inter alia*, page 12, line 27-page 13, line 3. Claim 13 has been amended to recite that the --backup is made of nylon--. Claim 17 has been amended to delete the "so that said cutting blade..." recitation therefrom and recite that --a portion of said guide rail at said second end of said cutting surface is adjacent said movement axis of said cutting blade--. In response to the Examiner's comment that "said clamping assembly" in claim 21 lacks positive antecedent basis, Applicants have amended claim 21 to depend from claim 20, thereby providing antecedent basis for the "said clamping assembly" recitation. In response to the Examiner's comment that "said pocket" in claim 27 lacks positive antecedent basis, Applicants have amended claim 27 to depend from claim 24. In response to the Examiner's comment that the recitation "said first face" in claims 29 and 30 lacks positive antecedent basis, Applicants have amended claim 30 to depend from claim 29. In response to the Examiner's comment that "said stop block" in claim 33 lacks positive antecedent basis, Applicants have amended claim 33 to depend from claim 32. Thus, Applicants respectfully assert that claims 1-8 and 11-37 satisfy the requirements of 35 U.S.C. Section 112, second paragraph, and are otherwise allowable.

Claims 1-4, 9-11, 20 and 34 are rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 3,263,544 to Margolien (hereinafter referred to as "Margolien"). The Margolien reference discloses a cutting apparatus for cutting elongated stock. Referring to Fig. 1 thereof, the cutting apparatus includes a main structure 11 on which a cutting assembly support frame 13 is secured by means

of bolts 15 and 17. A portion of the support frame 13 houses a shaft 13A, vertically disposed about a vertical axis designated "V" on which a cutting assembly 19 is mounted. The assembly is vertically movable about an axis designated "V" that extends in a vertical direction perpendicular to the top surface of main structure 11 and the longitudinal axis of the item 53 being cut. The assembly moves along vertical axis "V" upon actuation of a hand lever 21. The cutting assembly 19 includes a cutting member, such as a cutting wheel 23, mounted on a shaft 25 and driven by a conventional motor 28. The cutting assembly 19 is positioned on the shaft 13A so that the center of the cutting wheel 23 and a central line diametrically drawn across the surface 23 thereof, such as a center line 27, are at all times aligned with the vertical axis "V".

The entire cutting assembly 19, including the cutting wheel 23, is mounted on the vertical shaft 13A so that the cutting wheel 23 may rotate or pivot about the "V" axis, as indicated by a double arrow 31. In operation, an elongated stock such as a section of pipe 53 is provided atop the main structure and held in place by clamp 41. The end section 53A of the pipe 53 is secured under cutting wheel 23. Hand lever 21 is then rotated in a downward direction, which moves cutting wheel 23 in a vertical direction along vertical axis "V" toward the end section 53A of the pipe 53 to be cut. The angle at which the end section 53A of the pipe 53 may be vertically cut is controlled by pivoting the cutting blade 23 about the vertical axis "V" until the cutting surface 23A of the blade 23 is at a desired angle with respect to the longitudinal axis X of the pipe 53. However, even after the cutting blade 23 has been pivoted to the desired angle, the cutting wheel 23 is only capable of moving toward the pipe 53 in a single vertical direction along vertical axis "V".

In response to the Examiner's 102(b) rejection, and in order to more clearly point out the scope of the present invention, Applicants have amended claim 1 to recite that the

cutting apparatus includes "a base having a substantially flat cutting surface" and "a cutting assembly slidably mounted to said frame for sliding along a movement axis toward and away from said receiving area, said movement axis having a first component of movement extending in a direction substantially parallel to said cutting surface and a second component of movement extending in a direction substantially perpendicular to said cutting surface of said base." In addition, the last subparagraph of claim 1 has been amended to recite that "operation of said driver imparts sliding motion to said cutting assembly to move said cutting blade along the movement axis toward and away from said receiving area." Support for the amendment of claim 1 can be found in the specification at, *inter alia*, page 4, lines 8-38; and page 13, lines 4-30; and in Figs. 2B, 6B and 7A-7C.

Amended claim 1 is unanticipated by Margolien because the cited reference does not teach a cutting apparatus having "a cutting assembly slidably mounted to said frame for sliding along a movement axis toward and away from said receiving area, said movement axis having a first component of movement extending in a direction substantially parallel to said cutting surface and a second component of movement extending in a direction substantially perpendicular to said cutting surface of said base." (Emphasis Added) Clearly, Margolien's cutting blade is only designed to "travel vertically about a vertical axis" (Col. 2, lines 1-12). This movement in a single, vertical direction causes the "uneven cut, chipped or cracking" problems described in Applicants' specification at page 3, lines 5-10. In other words, Margolien does not disclose a cutting blade that may simultaneously move in two axial directions relative to a cutting surface (i.e., a direction having both vertical and horizontal components relative to the cutting surface). If Margolien's cutting assembly were mounted atop Applicants' base and cutting surface, the cutting wheel would only be capable of moving along a vertical axis and would

have no horizontal component. As such, the Margolien reference does not disclose the limitations recited in amended claim 1. For all of the reasons set forth above, amended claim 1 is unanticipated by Margolien and is otherwise allowable.

Claim 2 is unanticipated by Margolien by virtue of its dependence upon claim 1 which is unanticipated for the reasons set forth above. Claim 3 is unanticipated because Margolien neither discloses nor suggests that a "frame includes one or more guide tracks, said cutting assembly being sidably mounted in said one or more guide tracks." Claim 3 is also unanticipated by virtue of its dependence from claim 1. Amended claim 4 is unanticipated by Margolien because the cited reference neither discloses nor suggests that the "one or more guide tracks extend in directions substantially parallel to the movement axis" which is defined in claim 1 as having both a vertical and horizontal component. As noted above, claims 9 and 10 have been canceled thereby rendering the Examiner's Section 102(b) rejection of claims 9 and 10 moot. Claim 11 is unanticipated by Margolien by virtue of its dependence from claim 2 which is unanticipated for the reasons set forth above. Claims 20 and 34 are unanticipated by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above. Thus, for all the reasons set forth above, claims 1-4, 11, 20 and 34 are unanticipated by Margolien and are otherwise allowable.

Claims 5-8 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Margolien in view of U.S. Patent 1,343,079 to Fegley (hereinafter referred to as "Fegley"). The Examiner asserts that Margolien discloses the claimed invention substantially as claimed except for a driver selected from the group consisting of rack and pinion gear arrangements, ratcheting mechanisms, screw-activated elements pneumatic elements and electrical motor operated devices.

Referring to Fig. 1 thereof, Fegley discloses a rack 13 having teeth which mesh with teeth 14 of gear wheel 15. The gear wheel 15 has an enlarged flange 16 which forms an outer bearing of moving portion 10. Attached to moveable portion 10 is a straight blade 11. A key 17 passes through shaft 8 and fits within a slot 18 in the gear wheel 15 so that the gear turns with the shaft 8 when a handle 19 is operated. At one end of the moveable portion 10 is a slot 26, which terminates in a right-angled portion 27, and projecting from the overhanging arm 6 is a fixed pin 28 that fits within the slot 26. The slot is at an angle so that when the shaft 8 is turned by handle 19, the moveable portion 10 of the shears is forced down from the position shown in Fig. 1 to that shown in Fig. 6.

Claim 5 is unobvious over Fegley because the cited reference, when combined with Margolien, does not overcome the deficiencies noted above in Margolien. Fegley's blade 11 essentially pivots about overhanging arm 6 due to fixed pin 28 sliding through slot 26 during operation of the shears. Thus, Fegley teaches a shearing device having a blade that pivots relative to a fixed overhanging arm 6. In addition, Fegley's blade 11 does not slide "along a movement axis." This is in contrast to Applicants' claimed invention which provides "a cutting assembly slidably mounted to said frame for sliding along a movement axis." Claim 5 is also unobvious by virtue of its dependence upon claim 1 which is unanticipated and unobvious for the reasons set forth above. Claims 6-8 are also unobvious by virtue of their dependence from claim 5, which is unobvious for the reasons set forth above.

The Examiner also rejected claims 12-14 under 35 U.S.C. Section 103(a) as being unpatentable over Margolien in view of U.S. Patent 2,346,100 to Wright. The Examiner asserts that Wright discloses a platen 7 made from fibrous material so as not to dull the edge of a cutting blade and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Margolien's device

with a backup as taught by Wright in order to prevent the cutting blade from becoming prematurely dulled. In response, Applicants assert that one skilled in the art would have no motivation to combine the Margolien and Wright references. Margolien discloses clamps that secure an elongated member over a support table. The elongated member is then cut by a circular saw. Margolien's circular saw never contacts the support table. One skilled in the art would have no motivation for providing Margolien's circular saw with a backup as taught by Wright. In fact, providing Margolien's circular saw with Wright's backup would most likely result in premature dulling of the circular saw blade and/or destruction of the backup. In addition, claim 12 is unobvious because Wright does not overcome the deficiencies noted above in Margolien. Specifically, the combination of Margolien and Wright does not disclose or suggest providing a cutting apparatus having "a cutting assembly slidably mounted to said frame for sliding along a movement axis toward and away from said receiving area, said movement axis having a first component of movement extending in a direction substantially parallel to said cutting surface and a second component of movement extending in a direction substantially perpendicular to said cutting surface of said base." Thus, claim 12 is unobvious over the combination of Margolien and Wright and is otherwise allowable. Claims 13 and 14 are unobvious by virtue of their dependence from claim 12.

Claims 15-17 and 21-23 are also rejected under 35 U.S.C. Section 103(a) as being unpatentable over Margolien. Specifically, the Examiner asserts that Margolien discloses a guide rail adjacent the movement axis, a cutting blade having a longitudinal axis perpendicular to the longitudinal axis of the guide rail and a clamp lock extending substantially parallel to the guide rail and having a threaded bore, a rotatably threaded shaft and a crank handle. The Examiner notes that Margolien does not disclose a guide rail at the top surface of a support

base extending from the first end to the second end of the top surface, but that it would have been obvious to one having ordinary skill in the art at the time the invention was made to place a guide rail at the top surface. In response, Applicants assert that claim 15 is unobvious because it depends indirectly from claim 1 which is unanticipated by and unobvious over Margolien for the reasons set forth above. Claim 16 and 17 are unobvious by virtue of their dependence from claim 15. Claims 21-23 are also unobvious by virtue of their dependence from claim 15 which is unobvious for the reasons set forth above.

The Examiner also rejected claims 18-19, 24-31 and 33 under 35 U.S.C. Section 103(a) as being unpatentable over Margolien in view of U.S. Patent 5,339,716 to Sands et al. With respect to claims 18-19, the Examiner notes that Margolien discloses the invention substantially as claimed except the guide rail including a mandrel sidable within the opening of the head rail. However, the Examiner asserts that Sands et al. discloses anvil 44 having outer profile 49 designed to correspond with the inner contour of a head rail and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Margolien's assembly with an anvil having an outer profile as taught by Sands et al. in order to securely hold the head rail in place. Referring to Fig. 2 thereof, Sands' cutting blade moves in one axial direction for cutting a mini blind. Specifically, the Sands' cutting blade 31 moves in a horizontal direction toward anvil 44. This actually teaches away from Applicants' teaching that the cutting blade should simultaneously move in two axial directions, i.e. a horizontal direction and a vertical direction. Thus, Sands does not disclose or suggest a cutting assembly having a cutting blade "sidably mounted to said frame for sliding along a movement axis toward and away from said receiving area, said movement axis having a first component of movement extending in direction substantially parallel to said cutting surface and a second component of movement extending in

a direction substantially perpendicular to said cutting surface of said base." Thus, claim 18, which depends indirectly from claim 1, is unobvious over the combination of Margolien and Sands and is otherwise allowable. Claim 19 is also unobvious by virtue of its dependence from claim 18. Claims 24-31 are unobvious over the combination of Margolien and Sands because the combination of Sands does not overcome the deficiencies noted above in Margolien. Specifically, the combination of Margolien and Sands does not teach a cutting assembly having a cutting blade moveable along a movement axis having both a horizontal and a vertical component of movement. Claim 33 is unobvious by virtue of its dependence from claim 30 which is unobvious for the reason set forth above.

Claim 32 is rejected under 35 U.S.C. Section 103(a) as being unpatentable over Margolien in view of Sands et al. as applied to claim 31 above, and further in view of U.S. Patent 5,103,702 to Yannazzone. Specifically, the Examiner notes that Yannazzone teaches that a stop 32 is removed after shaped clamps 34 fasten a stack of slats 16 onto shaped anvils 12 so that free ends 16A of the slats may fall away during a cutting operation without being impeded by anything. Yannazzone shows cutting blades 24 moveable in one axial direction, namely, a vertical direction. Yannazzone does not disclose or suggest that the cutting blades move along a movement axis having both a vertical and a horizontal component of movement. Thus, the combination of Yannazzone with Margolien and Sands does not overcome the deficiencies noted above with respect to the Margolien and Sands references.

Claims 35-37 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Margolien in view of Yannazzone. Claim 35, which depends indirectly from claim 1, is unobvious over the combination of Margolien and Yannazzone because the cited references neither disclose nor suggest a cutting assembly "sidably mounted to said frame for sliding along a movement axis toward and away said receiving area, said

movement axis having a first component of movement extending in a direction substantially parallel to said cutting surface and a second component of movement extending in a direction substantially perpendicular to said cutting surface of said base." Thus, claim 35 is unobvious over the combination of Margolien and Yannazzone and is otherwise allowable. Claims 36 and 37 are unobvious by virtue of their dependence from claim 35, which is unobvious for the reasons set forth above.

As it is believed that all of the objections, rejections and requirements set forth in the Office Action have been fully met, favorable reconsideration and allowance of all pending claims in the application are earnestly solicited.

If there are any additional charges in connection with this amendment, the Examiner is authorized to charge our Deposit Account, No. 12-1095.

Respectfully submitted,

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